

Calendar No. 159

105TH CONGRESS }
1st Session }

SENATE

{ REPORT
105-79

MILES LAND EXCHANGE ACT OF 1997

SEPTEMBER 11, 1997.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 590]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 590) to provide for a land exchange involving certain land within the Routt National Forest in the State of Colorado, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 590, as ordered reported, is to authorize for a land exchange between the Forest Service and a private individual on the Routt National Forest in the State of Colorado.

BACKGROUND AND NEED

S. 590 authorizes an exchange of approximately 84 acres within the Routt National Forest for approximately 84 acres of private land known as the “Miles Parcel” located adjacent to the Routt National Forest. The bill deems the value of the Federal land and non-Federal land to be exchanged are approximately equal in value. No additional valuation determinations would be required. Maps attached to the bill delineate both the Federal and non-Federal lands affected by the exchange.

Marjorie Miles proposed a land exchange to respond to a situation where a private inholding adjacent to the forest boundary has created a private/public property line that is complex and expensive for the Forest Service to maintain. Modification of the boundary provides the authority needed to allow the Forest Service to undertake the exchange. Ms. Miles owns the inholding and occupies the National Forest System parcels proposed for exchange under a spe-

cial use pasture permit. Pursuant to S. 590, the pasture lands would be conveyed to Ms. Miles in exchange for a contiguous piece of property that contains valuable riparian resources and is currently outside the forest boundary.

S. 590 would reduce the amount of fence that the Forest Service and Ms. Miles must maintain, eliminates the need for a special use permit, eliminates the need for drift fences, and eliminates the need to authorize a ditch across public lands while improving land line management and adding riparian acreage to the public estate.

SUMMARY OF MAJOR PROVISIONS

S. 590 authorizes an exchange of approximately 84 acres within the Routt National Forest for approximately 84 acres of private land known as the "Miles Parcel" located adjacent to the Routt National Forest. The bill deems the value of the Federal land and non-Federal land to be exchanged are approximately equal in value. No additional valuation determinations would be required. Maps attached to the bill delineate both the Federal and non-Federal lands affected by the exchange.

LEGISLATIVE HISTORY

S. 590 was introduced on April 16, 1997 by Senator Campbell. Senator Allard was added as a cosponsor on June 24, 1997. On June 18, 1997, a hearing was held by the Subcommittee on Forests and Public Land Management. At the business meeting on July 30, 1997, the Committee on Energy and Natural Resources ordered S. 590 favorably reported.

A companion bill was introduced in the House by Representative Scott McInnis on March 11, 1997. The bill was referred to the House Committee on Resources. No Committee action has yet been scheduled.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 30, 1997, by unanimous vote of a quorum present recommends that the Senate pass S. 590 without amendment.

The rollcall vote on reporting the measure was 20 yeas, no nays as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles	
Mr. Craig	
Mr. Campbell ¹	
Mr. Thomas	
Mr. Kyl	
Mr. Grams	
Mr. Smith	
Mr. Gorton	
Mr. Burns ¹	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman ¹	
Mr. Akaka	
Mr. Dorgan	
Mr. Graham	
Mr. Wyden	
Mr. Johnson	
Ms. Landrieu ¹	

¹ Indicates vote by proxy.

COST AND BUDGETARY CONSIDERATIONS

The cost and budgetary considerations prepared by the Congressional Budget Office are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 590, the Miles Land Exchange Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 590—Miles Land Exchange Act of 1997

CBO estimates that enacting this bill would have no significant impact on the federal budget. Because S. 590 could affect offsetting receipts, pay-as-you-go procedures would apply; however, CBO estimates that any such effects would be negligible. S. 590 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no significant impact on the budgets of state, local, or tribal governments.

S. 590 provides that if a parcel of nonfederal land known as the “Miles parcel” adjacent to the Routt National Forest in Colorado is conveyed to the United States, then the Secretary of Agriculture is directed to assign to the person conveying that parcel all right, title, and interest to certain federal land within the Routt National Forest. Both parcels are about 84 acres in size. S. 590 would adjust the boundaries of the Routt National Forest to reflect the land exchange once it is completed.

According to the U.S. Forest Service, some holders of grazing permits currently operate on the federal land to be exchanged. These permits generate a small amount of offsetting receipts to the federal government, but the land that would be acquired by the government would also likely be used for grazing. CBO estimates that any effects on offsetting receipts from enacting S. 590 would be negligible.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 590. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 590, as ordered reported.

EXECUTIVE COMMUNICATIONS

The administration testified in favor of the legislation at a June 18, 1997 hearing held by the Subcommittee on Forests and Public Land Management. Legislative reports from the Department of Agriculture, the Department of the Interior, and the Office of Management and Budget setting forth Executive agency recommendations on S. 590 were unavailable at the report was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

The Administration testimony is attached.

STATEMENT OF ROBERT JOSLIN, DEPUTY CHIEF, FOREST
SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, I am Bob Joslin, the new Deputy Chief of the Forest Service for National Forest System. I am pleased to be here to share the administration's views about the bill in front of you. Accompanying me is Ellie Towns, Forest Service Director of Lands.

S. 590, Provide for land exchange on the Routt National Forest, Colorado

The Administration supports enactment of S. 590, a bill to provide for a land exchange involving certain lands on the Routt National Forest in Colorado and a related boundary adjustment. The exchange was proposed by Marjorie Miles to respond to a situation where a private inholding adjacent to the forest boundary has created a private/public property line that is complex and expensive to maintain. Modification of the boundary provides the authority needed to allow the agency to undertake the exchange.

Ms. Miles owns the inholding and occupies the National Forest system parcels proposed for exchange under a special use pasture permit. The pasture lands would be conveyed to Ms. Miles in exchange for a contiguous piece of property that includes valuable riparian resources and is currently outside the forest boundary.

This exchange reduces the amount of fence that the Forest Service and Ms. Miles must maintain, eliminates the need for a special use permit, eliminates the need for drift fences, and eliminates the need to authorize a ditch across public lands while improving land line management and adding riparian acreage to the public estate.

We appreciate Senator Campbell's facilitation of this exchange.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act S. 590, as ordered reported.